

FILED IN CHAMBERS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

THOMAS JOSEPH SCHLOEDER,

Movant

v.

UNITED STATES OF AMERICA,

Respondent

CRIMINAL ACTION FILE NO.  
1:13-CR-0047-ODE-JKL

CIVIL ACTION FILE NO.  
1:16-CV-398-ODE-JKL


ORDER

This criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge John K. Larkins III filed February 22, 2016 ("R&R") [Doc. 35]. No objections have been filed.

In the R&R, Judge Larkins recommends that Movant's § 2255 motion be dismissed as untimely. Judge Larkins also recommends that a certificate of appealability ("COA") be denied. Specifically, Judge Larkins found that Movant does not indicate that the circumstances set forth in 28 U.S.C. § 2255(f)(2) and (4) apply to him and that § 2255(f)(3) does not apply either. In addition, a COA should be denied because it is not debatable that the § 2255 motion is untimely.

The Court having read and considered the R&R and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the R&R, Movant's § 2255 motion [Doc. 34] is DISMISSED as untimely and a COA is DENIED.

SO ORDERED, this 15 day of April, 2016.

  
ORINDA D. EVANS  
UNITED STATES DISTRICT JUDGE